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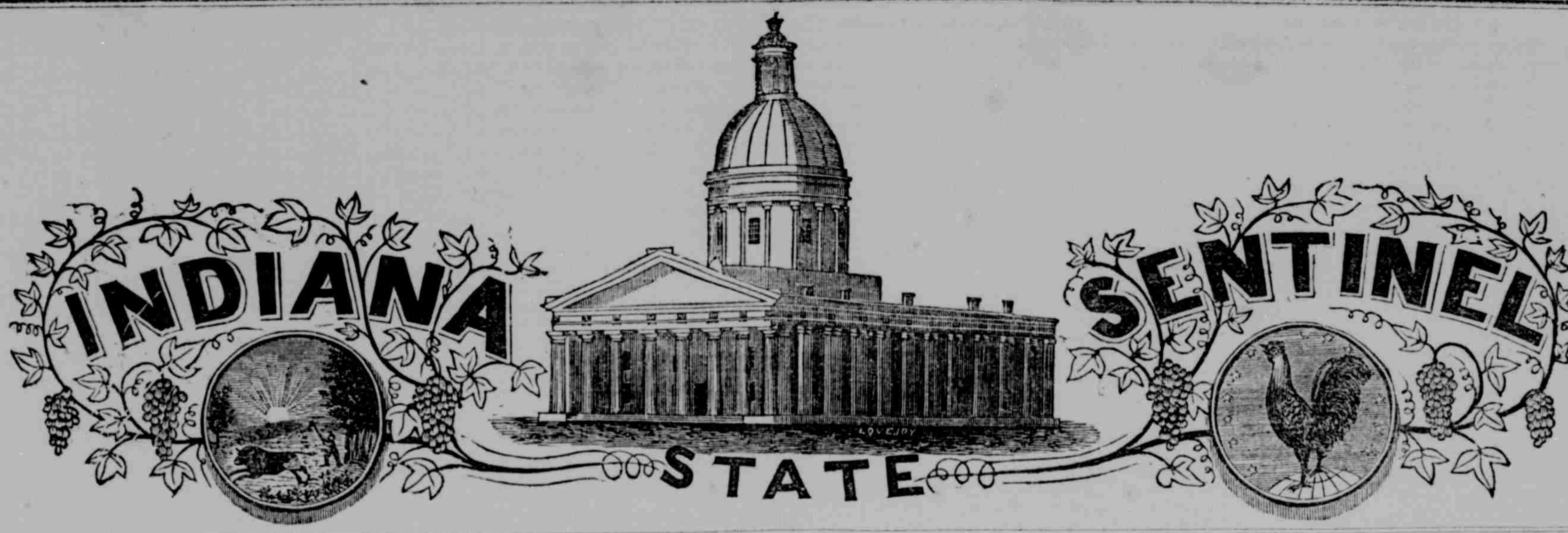
#### THE SEMI-WEEKLY EDITION

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#### THE WEEKLY EDITION

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Indianapolis, February 13, 1847.

SEMI-WEEKLY.

[Volume II—Number 81.]

### AN ACT

#### TO INCORPORATE THE CITY OF INDIANAPOLIS.

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That all that part of Centre township, in the county of Marion, east of White river, donated by the United States to the State of Indiana, for a permanent seat of Government, be and the same is hereby erected into a corporation, by the name of "The City of Indianapolis."

Sec. 2. That for the governing of said city and the inhabitants thereof, there shall be elected one person to serve as mayor, and one councilman for each ward of the city: The mayor, after the first election, shall serve two years, and the councilmen one year, and until their successors are elected and qualified; and the mayor elected at the first election under this act shall serve until the last Saturday in April, in the year 1849, and until his successor is elected and qualified; and the councilmen elected at the first election, shall serve until the last Saturday in April, in the year 1848, and until their successors are elected and qualified: *Provided*, That the councilmen elected in pursuance of the provisions of the act "to incorporate the town of Indianapolis," approved February 17, 1838, for the fifth, third, and first wards, as constituted by the aforesaid act, shall serve as councilmen for the fifth, sixth, and seventh wards, as hereinafter constituted by this act of incorporation, until the regular annual election in 1848, and until their successors are elected and qualified.

Sec. 3. No person shall be eligible to the office of mayor who is not a citizen of the United States, twenty-five years of age, and who shall not have resided in said city two years next preceding his election; and no person shall be eligible to the office of councilman who shall not have resided in the ward for which he may be elected, six months, and in the city one year next preceding his election; and no person shall be qualified to vote for mayor and councilmen who has not resided for the last six months preceding the election in the city, and if not a householder, who has not resided for the last twenty days preceding the election, in the ward in which he may offer his vote, and who shall not be a citizen of the State of Indiana; and no person shall be qualified to hold any office in said city under this act, or to vote, who is not twenty-one years of age, at the time of the election, and a white male citizen of the United States: The place of abode shall be considered the residence of such voters as are not householders.

Sec. 4. That at the first election for mayor and councilmen under this act, the election shall be conducted in the mode provided in the act for the election of township officers, as far as may be applicable; and on the Monday succeeding the day on which said election shall be held, the judges and clerks of the several ward elections shall meet at the council chamber in said city, and a majority of said judges shall examine the poll books and tickets, if required by any voter; and the judges and clerks so assembled shall give to the person having a plurality of votes at said election for mayor, a certificate of his election; and to the persons severally having a plurality of votes, in their respective wards, for councilmen, certificates of their election; and each of said officers shall, within five days after notice of his election, take an oath of affirmation to support the constitution of the United States and of this State, and faithfully and impartially to discharge the duties of his office; which oath or affirmation shall be endorsed on the certificate of his election.

Sec. 5. The mayor, before entering upon the duties of his office, shall give bond and security for the faithful discharge of the duties of his office, in all respects as is required of justices of the peace; which bond shall be taken, approved, and filed, as is provided in cases of bonds given by justices of the peace, and may be put in suit from time to time, and recovery had by all persons aggrieved by the official acts of such mayor.

Sec. 6. The mayor shall be a conservator of the peace within said city, and shall have all the power and authority, rights, jurisdiction, and immunities of a justice of the peace, to be exercised within said city, and shall be authorized to direct any process by him issued to the marshal of the city, or to the sheriff of the county, who shall be bound to serve and return the same, as they are bound to serve and return other process; and said mayor shall be empowered upon view, or upon information verified under oath or affirmation, of the violation of any penal law of the State, or of any ordinance of the city, to issue his warrant under his seal, and cause the person charged with such violation, to be brought before him, and to summon witnesses and issue attachments therefor, and hear and determine any and all such accusations, and recognize the accused to appear before the circuit court to answer the charge, and in default of such recognition to commit him to the jail of the county, to impose fines, and render judgments, and award executions thereon, and to allow and take fees to witnesses, correct the fees of officers, and generally to do all acts in the premises which a justice of the peace may do to hold his court and enforce his judgments; and when any person shall be convicted and adjudged guilty by him of any offence against the laws of this State, or the ordinances of said city, said mayor shall have power to impose a fine on such person, or to cause him to be imprisoned in the county jail, not exceeding twenty days, as may be provided by such ordinance, or by the laws of the State; and all judgments rendered by the mayor shall have the force and effect of judgments rendered by justices of the peace, and may be replevied in like manner: The mayor shall be entitled to receive the same fees and costs as a justice of the peace for similar services, and to collect the same in like manner: *Provided*, That the city shall not be liable to the mayor, marshal, sheriff, jurors, or witnesses for any costs, unless the same shall be specially allowed by the council.

Sec. 7. The marshal, sheriff, jurors, and witnesses shall be entitled to the same fees for services in causes and trials before the mayor, that are now allowed, or may be hereafter allowed, for similar services before justices of the peace; and all process issued by the mayor, in cases for the violation of the laws and ordinances of the city, or the laws of the State, may be served in any part of the county of Marion.

Sec. 8. The city council, (two thirds of the members of which shall constitute a quorum to transact business,) shall and may from time to time, hold sessions of their body, in said city, at such place as they shall appoint, and shall have full power and authority as to such sessions, to pass and publish all such laws and ordinances, as to them shall seem necessary, relative to the regulation and improvement of streets, alleys, side-walks, roads, and highways, to clearing, raising, draining, turpining, McAdamizing, or otherwise making and keeping the same in repair; to making, causing, and requiring the owner or owners of in-lots to pave or otherwise improve the side-walks in front of his or their respective in-lots; to establish and regulate markets; to regulate the inspection of flour, beef, and pork; the sale of hay and wood in the city; the cabs, hacks, omnibuses, and other carriages carrying passengers, and running in the city for gain; the assize of bread from time to time; to restrain or regulate swine running at large within the city: *Provided*, That nothing herein shall be construed so as to subject hogs, sheep, cattle, horses, or other animals not belonging to the city to be abused, taken up, or sold for coming in and passing through the city. To regulate buildings, public and private, planting trees for ornament or use, public

or private; to cleaning of chimneys; to dogs running at large or being kept in the city; to preventing and extinguishing fires in the city; to regulate the height and extent of fences before door-yards; and to provide by ordinances, for imposing reasonable fines and penalties upon all persons violating the laws and ordinances, as the said city council shall deem necessary and proper for the health, safety, cleanliness, convenience, and good government of the city, and the inhabitants thereof, not contrary to the laws of the United States, or of this State, all of which laws and ordinances, passed as aforesaid, shall be kept by the mayor, and shall be published in two public newspapers in the city; after which publication the same shall be in force, and so shall remain until repealed or annulled by the city council, or adjudged unconstitutional by the circuit or supreme court of the State.

Sec. 9. The city council shall appoint a secretary, treasurer, marshal, commissioner of streets, attorney, and such other officers for the city as they shall deem necessary to carry into effect the powers herein granted, so as to promote the best interest of the inhabitants of the city, and shall prescribe the duties of such officers not inconsistent with the provisions hereof. Before the treasurer or marshal shall enter upon the duties of his office, he shall be required by the city council to execute bond with good free-hold security, to the acceptance, for the faithful discharge of the duties of his office, in such penalty and with such condition as the council shall prescribe. And it shall be the duty of the council to require bond and good free-hold security from all officers by them appointed, in like manner, any and all of which bonds may be put in suit by all persons aggrieved by the official acts of such officers, and certified copies of the bonds shall be sufficient evidence of their existence and validity.

Sec. 10. The marshal shall have the power and authority, and liabilities of a constable of any township, within the city; and it shall be his duty to attend all meetings of the city council, and carry into effect their orders, and to serve and return all process directed to him by the mayor; and to discharge such other duties, relative to the police of the city, as may be required of him by the ordinances passed by the city council.

Sec. 11. It shall be the duty of the treasurer to collect, receive, keep, and disburse, on the warrant of the city council, all moneys required to be collected by him, or which shall come to his hands by virtue of his office, and faithfully to account for the same, in manner as the city council shall from time to time prescribe or require.

Sec. 12. The city council shall meet on the first Monday in each month, and at any other time they may deem necessary; and the president thereof shall have power to call a meeting in cases of emergency. They shall elect one of their body president, who shall preside over the sessions, and shall sign all orders, laws, and ordinances of the city council; and his signature, as president, with the attestation of the secretary, under the seal of the city, shall be *prima facie* evidence of the validity thereof; and said city council shall audit and allow all claims against the city, and make all appropriations, and issue all warrants for the payment thereof.

Sec. 13. The treasurer, secretary, marshal, attorney, assessor, commissioner of streets, and all other officers appointed by the city council, shall hold their offices until the next annual election after their appointment, and until their successors are appointed and qualified, and shall receive for their services to the corporation such annual compensation as the city council shall by ordinance fix or allow, a majority of all the councilmen elect concurring therein; which shall not be enlarged or diminished during the term of the officer so appointed, and no extra allowance shall be made to such officer, unless by a vote of two thirds of the councilmen elect; upon which vote the same shall be taken by yeas and nays, and be entered on the journal of proceedings of the council: *And provided*, That the compensation to the treasurer shall not exceed five per centum on the amount collected by him on the duplicates. And all of said officers shall be subject to be removed from office by the city council, (two thirds of the councilmen elect concurring therein) for malfeasance in office, habitual drunkenness, or other conduct, or neglect of duty, as shall make such removal necessary and proper: *Provided*, That no such removal shall take place until the officer shall have been furnished with a written statement of the causes of complaint against him, and shall have an opportunity of being heard before the council in his defence; and the council shall have full power to fill all vacancies in such offices.

Sec. 14. The mayor shall keep a docket in which he shall enter the causes brought before him, and shall, on request of either party, and the payment of his fees, make and certify transcripts of his proceedings and judgments, which shall have the force and effect of transcripts from justices of the peace of their judgments and proceedings, and may in like manner be filed in the clerk's office of the circuit court, and shall bind lands, and proceedings thereon, shall be had to execution, as are provided in cases of transcripts from judgments of justices of the peace; and an appeal in all cases, (except from judgments by confession,) shall be allowed to either party from the judgment of the mayor to the circuit court, subject to the provisions of law regulating appeals from the judgments of justices of the peace; and the trial by jury shall remain inviolate in all proceedings before the mayor, when the amount in controversy, or the penalty that may be imposed, shall exceed twenty dollars, or when imprisonment for a violation of the laws or ordinances of the city may be imposed; or in cases when a jury shall be allowed by the laws of the State, before justices of the peace: in which cases the jury shall fix the amount of the fine or penalty, and the extent of the imprisonment, not inconsistent with the laws of the State, and the by-laws and ordinances of the city; and upon all such trials it shall be no legal objection to the mayor, marshal, sheriff, jurors, or witnesses, that they may reside in the city, and be subject to pay a corporation tax for the use of the city; and all process shall run in the name of the State of Indiana, and shall be signed and sealed by the mayor, except summonses for witnesses, which may not be sealed.

Sec. 15. The city council shall be allowed the use of the jail of Marion county, and all persons imprisoned therein under the authority of this act, shall be under the charge of the keeper of the county jail, as if committed by a justice of the peace.

Sec. 16. It shall not be lawful for any person or persons within the bounds of said city, as specified in the first section of this act, to sell by a less quantity than by one quart at a time, any spirituous liquors, foreign or domestic; nor shall it be lawful for any person or persons to keep what is commonly called a "tippling house," or any other house to vend spirits, foreign or domestic, by a less quantity than one quart at a time, unless such person or persons shall in addition to a license obtained from the board of county commissioners, obtain license from the city council, who is hereby authorized to grant the same to such applicant for one year, on his, her, or their paying into the treasury of the corporation, a sum not exceeding one hundred dollars, at the discretion of the city council; and if any person or persons shall sell any spirituous liquors, or keep what is commonly called a "tippling house," or any other house within said limits contrary to the provisions of this act, he, she, or they so offending, shall in any action of debt, upon conviction thereof, before the mayor, be fined in any sum, not more than one hundred nor less than fifty dollars, for the use of the city council: *Provided*, That this section shall not be so construed as to conflict with

any law now in force, or which may hereafter be in force, prohibiting the sale of spirituous liquors in Centre township, in the county of Marion. And for the better regulation of the peace and good government of the city, the city council is hereby authorized to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting, or whatever may detract from the peace and good order of society.

Sec. 17. The city of Indianapolis shall be divided into seven wards, as follows: All that part of said city bounded on the south by Washington street, on the west by Alabama street and the Fort Wayne state road, and on the north and east by the donation line, shall constitute the first ward; all that part of said city bounded on the south by Washington street, on the west by Meridian and Circle streets, running east of the Governor's circle, and a line dividing out-lots numbered one hundred and seventy-one and one hundred and seventy-two, on the north of the donation line, and on the east by the Fort Wayne state road and Alabama street, shall constitute the second ward; all that part of said city bounded on the south by Washington street, on the west by Mississippi street, and the line dividing out-lots numbered one hundred and sixty-eight and one hundred and sixty-nine, on the north by the donation line, and on the east by the western boundary of the second ward, shall constitute the third ward; all that part of said city bounded on the south by Washington street, on the west by White river and the donation line, on the north by the donation line, and on the east by the western boundary line of the third ward, shall constitute the fourth ward; all that part of said city bounded on the north by Washington street, on the west by White river, on the south by the donation line, and on the east by the Bluff state road and Illinois street, shall constitute the fifth ward; all that part of said city bounded on the north by Washington street, on the west by Illinois street and the Bluff state road, on the south by the donation line, and on the east by the Madison state road and Delaware street, shall constitute the sixth ward; all that part of said city bounded on the north by Washington street, on the west by Delaware street and the Madison state road, and on the south and east by the donation lines, shall constitute the seventh ward: each of said wards running to the centre of the streets bounding the same.

Sec. 18. All suits for the violation of the laws and ordinances of the city shall be brought in the name of "The city council of Indianapolis," before the mayor of the city, and all bonds given by the officers elected or appointed under this act shall be made payable to "The city council of Indianapolis," and shall not be void or satisfied upon the first recovery, but may be put in suit from time to time by the party aggrieved by the official acts of such officers.

Sec. 19. Should the mayor of the city die, remove out of the city, resign, be removed from office, or otherwise vacate his office, it shall be the duty of the city council forthwith to proceed to elect a mayor having the necessary qualifications for the office, and in such elections the vote of a majority of all the councilmen elect shall be necessary to a choice, and the vote shall be taken *viva voce*, and shall be endorsed on the journals of the proceedings of the council; and the mayor thus elected shall give bond, take an oath of office, and have all the powers and jurisdiction of a mayor elected by the people, and shall be entitled to the docket of his predecessor, to proceed thereon and give transcripts thereof, and shall hold his office for the residue of the term unexpired of his predecessor; and in like manner should the office of a councilman become vacant, it shall be the duty of the city council by a like vote to fill such vacancy by electing a councilman for the proper ward, possessing the necessary qualifications, who shall in like manner take an oath, and hold his office for the unexpired term of his predecessor.

Sec. 20. The members of the city council shall each be entitled to receive twenty-four dollars per annum for his services; and he shall not be eligible to hold any other office under this act in the city while he continues to be such member; nor shall he hold or make any contract with the city council, or become interested in any job by which he shall in any way directly or indirectly receive any pay or compensation whatever, except when he shall be the lowest bidder at a public or competition bid; and all contracts made in violation of this section shall be void, and no money or pay shall be voted by the city council to pay them the same.

Sec. 21. When any law or ordinance shall be passed by the city council, the secretary thereof shall without delay present an enrolled draft of the same to the mayor, who, if he approves thereof, shall sign it, and thereafter it shall be published as herein provided, and shall be in force; but if he shall disapprove of the same, he shall within one week return it to the city council, or to their secretary, with his objections in writing, and the same shall not become a law unless a majority of all the councilmen elect shall vote for it, which vote shall be taken by yeas and nays, entered on the journals, and published with the law or ordinance, which shall be in force without the signature of the mayor; and no law or ordinance shall be passed by the city council, nor tax levied, nor assessment, contract, or appropriation made, but by a vote in the affirmative of a majority of all the councilmen elect.

Sec. 22. The city council shall have power to levy and collect a tax or license money on all concerts, theatres, shows, exhibitions, auctions, pedlars, and amusements within the city, and to pass such laws and ordinances as may be necessary to guard against fire, to organize fire companies, and to govern the same, and to regulate the duties and conduct of the inhabitants of the city in relation thereto, to regulate and govern the markets, to tax itinerant or transient auctioneers of sales at auction of goods, wares, property, or merchandise, not belonging to any citizen of the county of Marion, but no such auction tax shall be assessed upon any person who shall have been six months next preceding such auction a citizen of said county, and no such tax shall be assessed upon the sales of household goods, farming stock or utensils, or such sales of property, other than foreign merchandise. The city council shall have power by ordinance to prevent the erection of keeping up public nuisances within the city, and to abate and remove the same, and to enforce by proper penalties the observance of all laws and ordinances relative to the police and government of the city, not inconsistent with the laws of the State of Indiana.

Sec. 23. No tax for license on any of the matters contained in the twenty-second section of this act, or upon any auction shall exceed the sum of fifty dollars for any one day; and no tax shall be levied, nor license required from the city for any concert, theatre, show, exhibition, or amusement not made or exhibited for gain, nor for any literary or scientific exhibition, if in the opinion of the mayor it shall be of that character. All taxes for license shall be paid to the treasurer of the city before the license shall be granted, and attest a license to be signed by the president of the council, who shall sign the same; but the rates of all licenses shall be fixed by the city council, and for all violations of any law or ordinance regulating the same, suit shall be brought before the mayor in debt as in other cases.

Sec. 24. The printed ordinances and acts of the city council published in a book kept by the council, or a certified copy of the same shall be *prima facie* evidence of the validity of such laws and ordinances.

Sec. 25. The act approved January 15, 1844, entitled "An act relative to the city of Indianapolis, authorizing the repair and control of, and otherwise relating to the draining of the ditch north-

east of Indianapolis," and all the provisions thereof shall be, and continue in force, and constitute a part of this act.

Sec. 26. No suit brought before the mayor shall be dismissed or delayed for want of form in any pleading, cause of action, or form of action, and no costs shall be awarded against either party, on account of any amendments of such matters; and all fines and penalties imposed and collected for the violation of the laws and ordinances of the city shall be paid into the city treasury for the use of the city.

Sec. 27. The corporation of the city of Indianapolis shall have exclusive jurisdiction over all streets, roads, and alleys, and water courses within the city for the purpose of opening and keeping the same in repair; and it shall be the duty of the city council to provide by ordinance for keeping in repair all streets, roads and alleys within the limits of the city, and to build and keep in repair all bridges, (except bridges over White river), over all water courses crossing such of the public streets and roads within the limits of the city, as the city council shall declare by such ordinance, it is necessary and proper to have bridges erected over, so as to secure the safe passage over the same of the inhabitants of the city and others crossing and re-crossing the same. *Provided*, that the bridges now erected shall be continued; and for wilful refusal or neglect to repair any such bridges within a reasonable time, after three days notice of the want of such repairs of any of said bridges, to be served in writing on the president of the city council, the corporation of the city shall be liable to all persons injured by such neglect or refusal to repair such bridges for all damages sustained by such persons injured thereby.

Sec. 28. Each able-bodied white man over twenty-one and under fifty years of age, in the city of Indianapolis, and who has resided three months in the city at the time of assessment, shall be required to pay a road tax of one dollar, to be applied to road purposes, which tax may be discharged by two days' work on the streets or roads in the city, under the direction of the proper commissioner of streets of the city.

Sec. 29. The city council shall have power to lay off the city into suitable districts for common schools, and to provide by ordinance for erecting the necessary buildings, and the appointing of suitable teachers and superintendents thereof: *Provided*, That the city council shall not be authorized to lay a tax of more than one-eighth of one per cent, upon the annual assessment for that purpose; which tax for that purpose the city council is authorized and empowered hereby to levy and collect.

Sec. 30. It shall be optional with the city council to adopt the county assessment of taxable property and polls within the city as the basis of taxation for the year, or to appoint a city assessor for the year, as under the circumstances they shall deem best.

Sec. 31. All stock or capital in the Indianapolis Branch Bank of the State Bank of Indiana, held by individuals, corporations, or companies, as well as all other real or personal property held by said branch bank and the stockholders thereof, in their corporate capacity, and situated within the corporate limits of the city of Indianapolis, is hereby declared to be subject to taxation by the city council of said city for corporation purposes: it is hereby made the duty of the acting cashier of said branch bank to furnish the assessor with the amount of stock, capital, and property herein declared to be subject to taxation; and it is further made the duty of the officers of said branch bank to pay over to the proper officer out of the dividends of said bank the amount of taxes levied by the corporate authority of the city of Indianapolis: *Provided*, That nothing in this act shall be so construed as to authorize said city council to impose any greater amount of tax on said bank stock and property than the maximum of taxes specified in the bank charter, and the amendments thereto, of the State of Indiana.

Sec. 32. No tax upon the real and personal property in said city shall be levied by the city council, exceeding fifteen cents, (in addition to that levied for common school purposes) on each one hundred dollars of the annual assessment, without a vote of a majority of citizens liable to taxation being first had assenting to a greater amount. And whenever a greater tax shall be needed, it shall be the duty of the council to make the specific sum known by an ordinance, directing how the vote thereon shall be given by the citizens liable to pay the same: *Provided*, That such vote shall be taken at the annual election of councilmen in the month of April.

Sec. 33. The city council shall, at their first meeting under this act, or as soon thereafter as may be practicable, and each year thereafter, appoint one or two suitable persons commissioners of streets, who shall hold office until the next annual election of councilmen, and until his or their successor or successors are appointed and qualified; and it shall be the duty of such commissioner or commissioners to keep the streets, roads, and alleys in the city in repair, and to superintend the hands working thereon, and to perform such other services relative thereto as may be required of him [or them] from time to time by the city council.

Sec. 34. The election of mayor and councilmen may be contested as follows: That of the mayor before the president of the council; and that of a councilman before the mayor; and said contests shall be governed in all respects by the laws in force regulating contested elections of county officers: *Provided*, That said contests shall be commenced within ten days next after the election of either of said officers.

Sec. 35. The mayor, or any councilman, may be removed from office for mal-conduct, habitual drunkenness, or the commission of high crimes and misdemeanors; and all such proceedings against the mayor shall be had upon information upon oath or affirmation, filed before the president of the council; and all such proceedings against a councilman shall be had upon information upon oath or affirmation filed before the mayor; which officers are respectively authorized and empowered hereby to try the same; and all such proceedings shall be had in the name of the State of Indiana; and the defendant shall have a right to a fair and impartial jury trial, and to challenge ten jurors peremptorily; and upon conviction of any of such offences, judgment of removal from office, with costs, shall be given, from which judgment an appeal shall be allowed to the circuit court, where the case shall be tried upon its merits, and if the judgment shall not be affirmed, the court shall further adjudge that the defendant shall not be eligible to hold any office under this act for two years thereafter.

Sec. 36. All suits, actions, and prosecutions for penalties, or violations of the by-laws or ordinances of the city shall be brought within one year after the violation complained of, unless the offender shall not during all of said time have resided in the city, and been subject to its process, and in that case such prosecution, action, or suit shall be commenced within one year next after the defendant shall have been continuously within the jurisdiction of the mayor, and upon all judgments rendered for violations of the laws or ordinances of the city, or against officers of the corporation and their sureties, there shall be no appraisal or valuation of property; and on recoveries against delinquent treasurers or marshals, ten per cent in damages shall be added to the judgment rendered, upon which there shall be no appraisal or valuation of property.

Sec. 37. All laws and parts of laws heretofore passed incorporating the town of Indianapolis, shall be and stand repealed after the last Saturday in March, 1847, and the term of all officers, elected or appointed, and all offices created under the aforesaid laws incorporated.

Concluded on the fourth page.